

VERIFIED PETITION FOR REZONING

2015-13 -PC Ordinance NO. R- 2015-11
Council District: Stephanie Brinkerhoff-Riley

PETITIONER: Michael S. Martin Realty XI, LLC PHONE: 812-422-2215
ADDRESS: P.O. Box 3908, Evansville, IN ZIP CODE: 47737-3908

OWNER OF RECORD- Michael S. Martin Realty XI, LLC PHONE: 812-422-2215
ADDRESS: P.O. Box 3908, Evansville, IN ZIP CODE: 47737-3908

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Vanderburgh County Code of Ordinances.

2. Premises affected are on the south side of Illinois St. at the southwest corner of the intersection formed by Illinois Street and Baker Avenue.
Registered Neighborhood Association: Jacobsville Neighborhood Association

LEGAL DESCRIPTION:

Lot 10 and the adjoining 24 feet of Lot 11 in Block 3 in the Northern Enlargement of the City of Evansville as per plat thereof, recorded in Plat book E, page 8, comprising 50 feet of frontage on Illinois Street.

3. The commonly known addresses are 116 Baker Avenue.

4. The real estate is located in the Zone District designated as C-2 .

5. The requested change is to (Zone District) C-4.

6. Present existing land use is Vacant building with empty lot

7. The proposed land use is Commercial, retail, Office space, contractor shop

8. Utilities provided: (check all that apply)

City Water x Electric x Gas x Storm Sewer x

Sewer: Private _____ Public x Septic _____

9. All attachments are adopted by reference.

10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE 4/10/15
(when signed)

PETITIONER: Michael S. Martin

PRINTED NAME: MICHAEL S. MARTIN

DATE 4/10/15
(when signed)

OWNER OF RECORD: _____

PRINTED NAME: MICHAEL S. MARTIN

REPRESENTATIVE FOR PETITIONER Morley and Associates, Inc.
4800 Rosebud Lane
Newburgh, IN 47630
812-464-9585

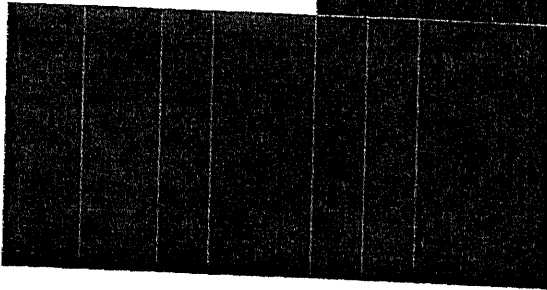
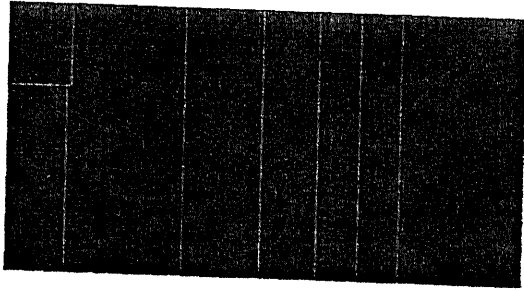
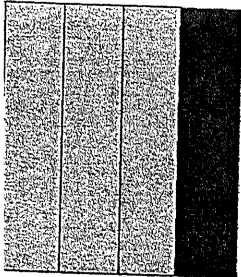
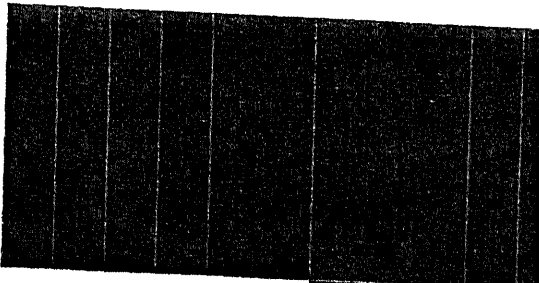
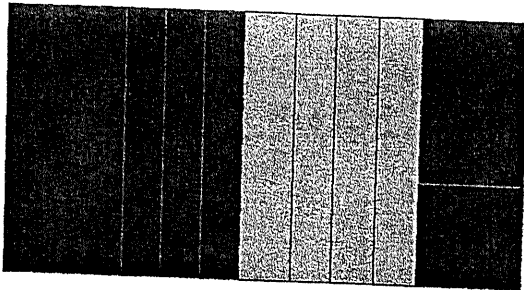
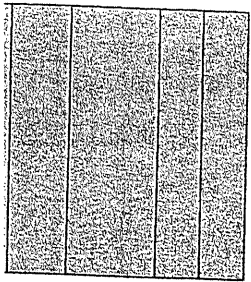
FILED

APR 10 2015

Anna Winkler
CITY CLERK

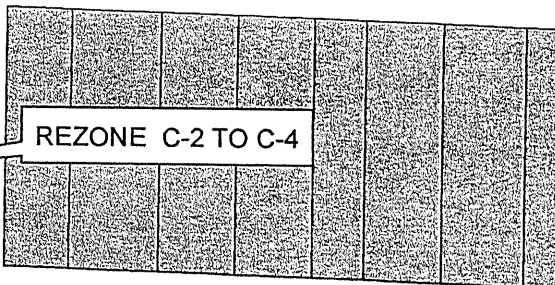
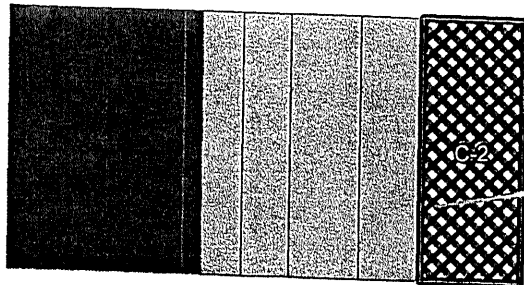
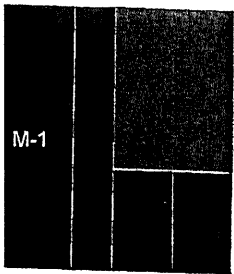


W FRANKLIN ST



W ILLINOIS ST

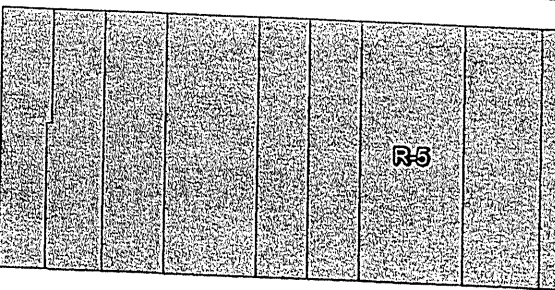
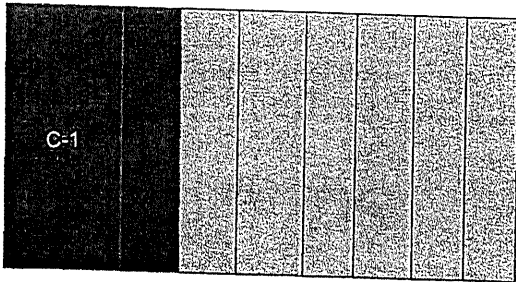
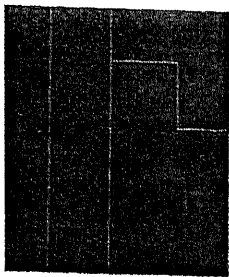
W ILLINOIS ST



REZONE C-2 TO C-4

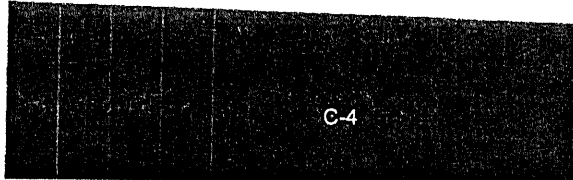
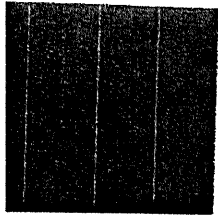
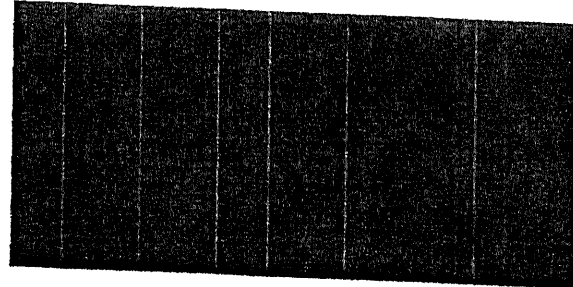
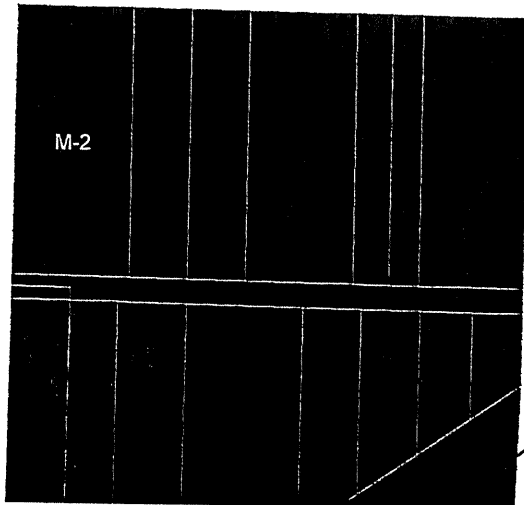
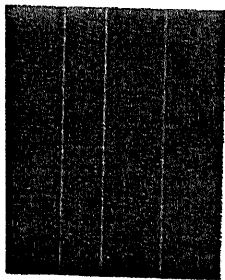
GARFIELD AVE

BAKER AVE



W INDIANA ST

W INDIANA ST



ORDINANCE NO. R- 2015-11

TAX CODE(S) 82-06-19-026-037.016-029

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS: 116 Baker Avenue.

BE IT ORDAINED BY THE COMMON COOUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

Lot 10 and the adjoining 24 feet of Lot 11 in Block 3 in the Northern Enlargement of the City of Evansville as per plat thereof, recorded in Plat book E, page 8, comprising 50 feet of frontage on Illinois Street.

by changing the zoning classification of the above-described real estate from C-2 to C-4, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on 07/20/2015 at Instrument No.: 2015200016774. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this 13th day of July, 2015.

A. San Clement
President

ATTEST:

Gama Windhous
City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said city, the

15 day of July, 2015.

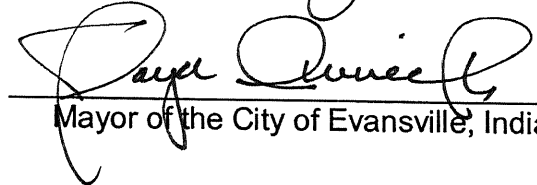
Gama Windhous
City Clerk

FILED

APR 10 2015

Gama Windhous
CITY CLERK

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 15th day of July, 2015, at 1:15 o'clock pm.



Mayor of the City of Evansville, Indiana

THIS INSTRUMENT PREPARED BY: Morley and Associates, Inc.
4800 Rosebud Lane
Newburgh IN 47630
812-464-9585

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Michael S. Martin as manager of Michael S. Martin realty XI, LLC, Petitioner, is the owner of certain real estate situated in the City of Evansville, Indiana, commonly described as 116 Baker Avenue, which real estate is more particularly described as follows, to wit:

Lot 10 and the adjoining 24 feet of Lot 11 in Block 3 in the Northern Enlargement of the City of Evansville as per plat thereof, recorded in Plat book E, page 8, comprising 50 feet of frontage on Illinois Street.

WHEREAS, as the real estate is currently classified as an C-2 Zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-4; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following: All uses allowed in C-4 zoning except for those outlined in Use Group 21 (Adult themed businesses)

2. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 10 day of APRIL, 2015 by for the purpose set forth herein.

Michael S. Martin
Signature

STATE OF INDIANA

COUNTY OF Indianapolis)
SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Michael S. Martin as Manager for Michael S. Martin realty XI, LLC, who acknowledged the execution of the foregoing Use and Development Commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this day 10 of April, 2015.

Paula Zerk Hunter
NOTARY PUBLIC

Laura A. Coch
NOTARY-Printed Name

A resident of Indy County, Indiana.

My commission expires: Feb 5, 2016

This instrument prepared by: Bret A. Sermersheim of Morley and Associates, Inc.
4800 Rosebud Lane
Newburgh IN 47630
812-464-9585

Northern Enlargement
Block 6
Plat Book E, Page 8

82-06-19-029-039.008-029
200 N. Main LLC
611 Bartley St.
Jasper, IN 47546

Lot 6 Lot 7 Lot 8 Lot 9

82-06-20-025-041.006-029
200 N. Main LLC
611 Bartley St.
Jasper, IN 47546

C-4

C-4 C-4 C-4 C-4

28.5' R/W
28.5' R/W

Illinois Street

Northern Enlargement
Block 3
Plat Book E, Page 8

East 50'
Existing gravel area to be
used for parking of
construction equipment
Area to be Rezoned from
C-2 to C-4
6500 Sq. Ft. = 0.15 Acres

North 130'
South 130'

2' 24'

48.0'
Existing Firehouse
To be converted to
office space, retail
48.2'

30' R/W 30' R/W

Baker Avenue

82-06-20-025-055.006-029
New Urban Investments LLC
15501 Haiku Dr.
Evansville, IN 47725

Lot 1
Heidelbach & Elsas
Block 49
Plat Book B, Page 114 & 115

R-5

Lot 13
R-5

Lot 12

82-06-19-026-037.010-029
Masterson, Russell A. Jr.
2713 Weinbach Avenue
Evansville, IN 47714

12' Alley

R-5

R-5 Lot 6

R-5 Lot 7

82-06-19-026-037.007-029
Greulich, Christina M.
119 W. Columbia St.
Evansville, IN 47710

R-5 Lot 8

82-06-19-026-037.009-029
Greulich, Thomas R. & Christina M.
119 W. Columbia St.
Evansville, IN 47710

R-5 Lot 9

82-06-19-026-037.008-029
Greulich, Thomas R. & Christina M.
119 W. Columbia St.
Evansville, IN 47710


15' Alley

Lot 39
R-5

82-06-20-025-055.017-029
Hazen, Thomas R.
11400 Bayview Ct.
Evansville, IN 47712



SCALE 1" = 30'



Morley and Associates Inc.

Engineering
Surveying
Architecture
Construction Management

4800 Rosebud Lane
Newburgh, IN 47630
(812) 464-9585
www.morleyandassociates.com

Rezoning Exhibit
116 Baker Avenue
C-2 to C-4

Designed By: ?	Job Number: 9465.4.001A
Drawn By: BAS	Date: 4-08-2015
Filename: 9465 Survey Base-rezone.dwg	